

RECEIVED  
CENTRAL FAX CENTER

MAY 22 2007  
PAGE 13 of 20  
55:09 AM [Eastern Daylight Time] SVR:USPTO-EFXRF-118 DMS:273800 CSID: DURATION (MM:SS):01:34

PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number	10/716,853
Filing Date	11/20/2003
First Named Inventor	ERIC John GANDAS
Art Unit	3767
Examiner Name	Phillip A. Gray
Attorney Docket Number	EG1

Attorney Docket Number

EG1

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  ↗
Remarks		
Applicant Interview Summary of Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	BILLY SITGES, PC. & ASSOCIATES	
Signature	Bruce A. Levin	
Printed name	BRUCE A. LEVIN	
Date	MAY 22, 2007	Reg. No. 58,594

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Bruce A. Levin	
Typed or printed name	BRUCE A. LEVIN	Date
		MAY 22, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

MAY 22 2007

Inventor: Eric J. Gandras  
Serial No. : 10/716,853  
Invention Title: Pelvic Arterial Catheter  
Examiner: Phillip Gray  
Group: 3767  
Date: May 17th, 2007

Applicant Interview Summary  
& Comments

The applicant would like to thank Examiner Gray for his time and telephone interview of May 15th, 2007.

In the interview the Examiner agreed that the "tapered end section" of the applicant's invention (member 102) IS visually and structurally different from the "tapered end section" (member 103) of the patent to Engelson et al (US Patent 6,030,369).

It should be noted that the reference of Engelson is the ONLY reference cited and supplied throughout the entire prosecution thus far.

The applicant highlighted the fact that the "tapered end section" of the instant invention INCLUDES A CURVE (member 103, see Figure 2) wherein Engelson's end section (member 102) does not, and that THIS structural difference and improvement is clearly set forth within the existing claim language of all three independent claims, 1, 39, and 52, (i.e., "the tapered end section has at least one curve").

The Examiner disagreed that the existing claim language defined this difference well enough. Therefore, the applicant respectfully asked the Examiner for his suggestions as to what language would better define this clear difference. However, the Examiner refused to help the applicant with the claim language and stated, "writing claim language is NOT part of my job". The applicant suggested adding the term "distal" to the term "end section" to better well define the actual "tip/end section" of the catheter. The Examiner replied, "Any new terminology would constitute a new issue and therefore would not be entered After Final". The applicant insisted that this was not a "new issue" nor would warrant a new search, and that it was just to clarify the already existing claim terminology.

Further, the applicant pointed out the fact that the specification of the instant application clearly supported the terminology defining the end section of the catheter, and that the specification of Engelson has no reference to any curves being incorporated within his end section. The Examiner replied, "The specification is NOT used to help define claim language". Further, the Examiner stated "If we wanted ANY alternative or new language to be added to the claims we would have to file an RCE".

The applicant repeatedly asked the Examiner whether ANY of the structural differences between the instant invention and the catheter of Engelson would constitute patentable subject matter (i.e., curves in an end section of a catheter). The Examiner replied, "All the possible structural differences can be found in numerous prior art patents". The applicant then asked the Examiner why he did not set forth or use any of these other patents within his previous office actions or 'references cited' documents. The Examiner replied, "I don't have to search for anything more than the broadest sense of the actual claim language set forth in the claims."

PAGE 1 OF 2

MAY 22 2007

PAGE 33 • RCVD AT 5/22/2007 10:55:09 AM [Eastern Daylight Time] • SVR:USPTO-EFXRF-118 • DMS:2738300 • CSD: • DURATION (mm:ss) 01:34

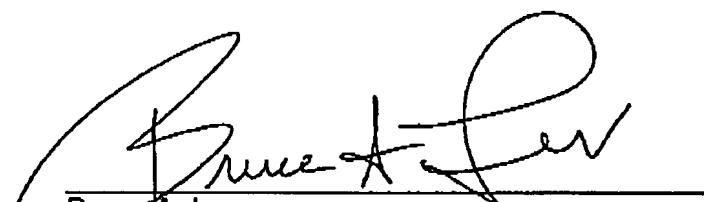
The applicant is dumbfounded as to why, when there are obvious structural differences between the instant invention and the prior art of record, the Examiner is reluctant to aid the applicant in crafting the proper claim language necessary for an allowance. Further, The applicant is dumbfounded as to why the Examiner would insinuate the existence of numerous other pertinent references yet refuse to cite them within the prosecution of the application.

The applicant requested that the Examiner spend a few minutes and retrieve some of the other references he stated he knew of and mentioned within the telephone interview and inform us of those patent numbers. A short time later, the Examiner called back and left a voice mail stating that he had some, but did not leave the requested information on our voice mail. The Examiner requested the applicant call back again for this information, which we did. However, the Examiner was unavailable and has not returned our calls with this information since.

Nonetheless, if retrieving other pertinent references was so easy, why didn't the Examiner do this during the initial examination of the application? It should be noted that the Examiner, to date, still has NOT supplied the applicant with any of these patent numbers.

Finally, it should be noted that within the Examiner's remarks to the applicant's first amendment the Examiner states (page 2, lines 20-21 of the 4/19/07 office action), "the features upon which applicant relies (i.e., "a CURVE within his end/distal tip section") are not recited in the rejected claims. However, the feature of a "curve" IS CLEARLY SET FORTH in EACH of the three independent claims. The other terminology (i.e., "distal" and "tip") is exactly what the applicant suggested could be used to further better well define the actual end section of the inventive catheter, and thereby place the application in immediate condition for allowance. The Examiner, however, refuses to want to do this.

As a final remark to the Examiner's statements as to his position and obligations as a Patent Examiner, the applicant respectfully asks the Examiner, "If it is NOT the Examiner's job to aid an applicant in obtaining a deserved patent, and in due course, what IS the job of an Examiner in the US Patent Office?"



Bruce A. Lev  
Patent Agent # 58,594  
Billy Shears, Inc. & Associates  
(703)880-8836

May 17th, 2007

PAGE 2 OF 2